

Remarks/Arguments:**I. Status**

The Office Action dated May 5, 2006 (the “Office Action”) has been carefully reviewed. In the Office Action, the Examiner stated that claims 11-20 and 27-31 were allowed and claims 22-26 were rejected. Claim 22 has been amended. Accordingly, claims 11-20 and 22-31 are pending in this application. Reconsideration of this application, as amended, is respectfully requested.

II. The Rejection of Claims 22-26 under 101(b)

The Examiner rejected claims 22-26 as failing to provide a concrete and tangible result. The Applicant has amended the claims to recite a useful, concrete tangible result. Accordingly, the Applicant respectfully submits that the rejection under 35 USC 101 has been overcome.

Specifically, claim 22 has been amended to recite that the method includes “controlling the first VAV box based upon the at least one test parameter associated with the first test procedure.” Support for the amendment may be found in the specification as filed. By way of example, at page 20 lines 2-4 a VAV box is controlled to provide a minimum flow rate and at page 21 lines 8-11 a damper is controlled to a fully open and a fully shut position. The control of a VAV box, such as positioning of a damper, is a real life, real world useful concrete tangible result.

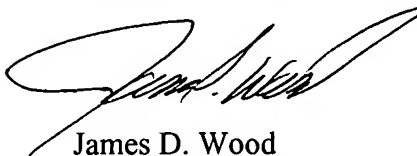
Claims 23-26 depend, directly or by way of one or more intermediate claims, from claim 22. Thus, claims 23-26 include all of the limitations of claim 22.

Therefore The Applicants respectfully submit that the rejection of claims 22-26 has been overcome.

III. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicants have made a patentable contribution to the art. Favorable reconsideration and allowance of this application is, therefore, respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James D. Wood", written in a cursive style.

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